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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,598	02/11/2002	Nicole Beaulieu	29757/P-576	5942

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EXAMINER	
MOSSER, ROBERT E	
ART UNIT	**PAPER NUMBER**
3714	3

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,598	BEAULIEU, NICOLE	
	Examiner	Art Unit	
	Robert Mosser	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 8, 9, 12-14, 17, 19-20, 33-35, 38, 40-41, 43, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US 6.012.983 herein referred to as '983) or alternatively by Bennett (US 6,093,102 herein referred to as '102).

Regarding claims 1, 12, 33, 41 Walker et al and Bennett teach a game apparatus including a display unit capable of displaying video images ('983 elm 270 & '102 Col 3:15-25), a value input device ('983 Col 2:48-52 & '102 Fig 5 and Col 3:29-34), and a controller incorporating a processor operable connected to memory (understood as functionally required in the machine of Bennett and shown by Walker in elements 210 and 235). The controller configured so as to allow a user to place a wager ('983 Col 2:48-52 & '102 Fig 5 and Col 3:29-34), select a gaming option automatically from a

plurality of user-selectable options ('983 Fig 8 & 102' Col 4:30-33), display a video image including a plurality of simulated wheels ('983 elm 270 & '102 Col 3:15-25), and determine the value of payout associated with the outcome of the game ('983 Col 4:30-33 & '102 Col 1:26-31).

Regarding claims 2, 3, 6, 13, 14, 17, 34, 35, 38, 43, and 45, and in addition to the above stated, Walker et al teaches allowing the game machine to continue to play the game without user interaction or allow the user to play the game manually (Figure 8). Walker et al also teaches allowing the user to configure the machine in order to configure such items including a wager amount that become the amount the machine wagers per game played in absence of the player or alternatively allowing the player to play manually and hence select his bet amount manually thereby overriding the automatic selection (Abstract, Fig 8, Elm 4467, Elm 550). Bennett teaches the default pay line selection of a center line which a player then decide to alter using the device inputs (Col 4:28-38). The automated selection is limited to the features present in the games of Bennett and Walker et al, and as such is "dependent upon parameters of the selected game" by definition.

Regarding claims 8, 19, and 40, in addition to the above stated. The games of Walker et al and Bennett both provide the player the option to use them inherently as the user is not forced or required to use them and thus provide the user selectable option of playing a video slot machine serves as an inherent feature of the '983 and '102 references discussed above as claimed.

Regarding claims 9 and 20, in addition to the above stated. The games of Walker et al and Bennett both provide the player with the option to play a wagering game and if the player so chooses to play the wagering game the controller then may be understood to select a video slot machine type of wagering game as so claimed and presented by the '983 and '102 references above.

3. Claims 7, 18, 23-25, 28-30, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (US 6,093,102 herein referred to as '102).

Regarding claims 7, 18, 23-25, 28, 29, and 39 in addition tot the above stated. Bennett teaches a game apparatus including a display unit capable of displaying video images (Col 3:15-25), a value input device (Fig 5 and Col 3:29-34), and a controller incorporating a processor operable connected to memory (understood as functionally required in the machine of Bennett). The controller configured so as to allow a user to place a wager (Fig 5 and Col 3:29-34), select a gaming option automatically from a plurality of user-selectable options ('Col 4:30-33), display a video image including a plurality of simulated wheels (Col 3:15-25), and determine the value of payout associated with the outcome of the game ('Col 1:26-31). Bennett teaches the default pay line selection of a center line which a player then decide to alter using the device inputs (Col 4:28-38).

Regarding claim 30 in addition to the above stated. The slot machine of Bennett teaches the traditional functionality of a slot machine wherein upon the operation by the user the user is presented with a set of symbols (symbols selected by the user) which

are understood as being generated by the slot machine based on laws of probability (selection of symbols by the machine) as so claimed (Col 3:5-34). As the claimed selection of symbols is encompassed in the above understood functionality the claim fails to present a distinction between the traditional functionality and the symbol selection of device such as those of Walker et al (US 6,068,552) and Williams et al (US 6,350,199)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 4, 15, 26, 36, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102 herein referred to as '102) as applied to

claims 1,12, 33, and 41 above, and in further view of Mayeroff US 6,231,442 herein referred to as '442)

In addition to the above stated Bennett teaches a multi-line slot machine but is silent on the incorporation of an associated secondary game being presented to the user. Mayeroff however, teaches the use of a multi-choice bonus game associated with a primary slot machine wherein a plurality of user selectable options is presented to the user (Figure 3 & Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention have incorporated the bonus feature of Mayeroff in the multi-line slot game of Bennett in order to increase player appeal of the machine through the incorporation of a secondary game as taught by Mayeroff (Col 2:66-3:6).

7. Claims 5, 16, 27, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102 herein referred to as '102) as applied to claims 1,12, 23, 33, and 41 above, and in further view of Bennett (US 6,261,178 herein referred to as '178)

Bennett is silent regarding the use of random selection with regards to choosing the pay line on a video slot machine in the '102 reference. However Bennett teaches the use of randomly selected pay lines as a "mystery line" feature in a reeled slot machine (Col 2:1-30). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the mystery line feature of Bennett in the slot machine of Bennett as disclosed above in order to increase the players enjoyment through the providing of an additional means of winning.

8. Claims 10, 11, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6.012.983 herein referred to as '983) as applied to claims 1,12, 33, and 41 above, and in further view of Walker et al (US 6,001,016 herein referred to as '016)

Walker et al is silent regarding the use of the Internet as so claimed in the '983 reference. However Walker et al does teach the inclusion of the internet for maintaining a network of slot machine servers (Col 3:60-67). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the internet in a slot machine network as taught by Walker et al in the slot machine network of Walker et al in order to allow the networks of Walker et al to spawn large distances economically.

9. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102 herein referred to as '102) as applied to claims 32 above, and in further view of Walker et al (US 6,001,016 herein referred to as '016)

Bennett is silent regarding the use of the Internet as so claimed in the '102 reference. However Walker et al does teach the inclusion of the internet for maintaining a network of slot machine servers (Col 3:60-67). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the internet in a slot machine network as taught by Walker et al in the slot machine network of Bennett in order to allow remote monitoring of the machines.

Conclusion

10. The following prior art is made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al (US 6,068,552) teaches a player customizable gaming machine.

Williams et al (US 6,350,199) teaches a player customizable gaming machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

JESSICA HARRISON
PRIMARY EXAMINER